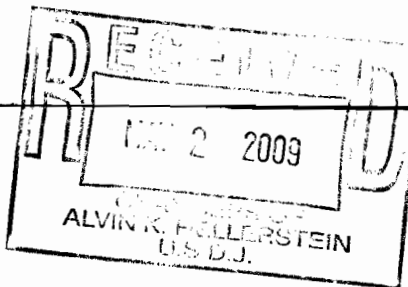


**U.S. Department of Justice**

United States Attorney
Southern District of New York



The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 28, 2009

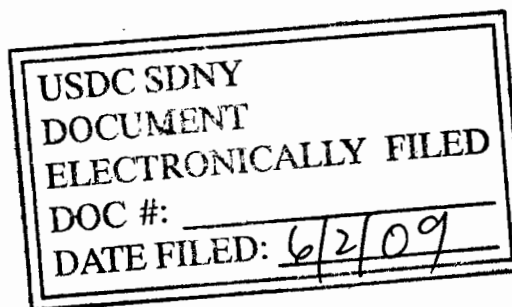
BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Jason Arzberger*,
08 Cr. 894 (AKH)

Dear Judge Hellerstein:

The Government seeks an extension of the time by which it must file its appeal of Magistrate Judge Francis's decision regarding the constitutionality of the bail requirements of the Adam Walsh Act. See 18 U.S.C. § 3145(a)(1) (providing that "an attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order [to release the defendant] or amendment of the conditions of release"). The current deadline is May 29, 2009, and this is our fourth request for an extension. We are continuing to discuss a disposition of the case with Fiona Doherty, Esq., of the Federal Defenders, who has replaced Leonard Joy, Esq., as lead counsel on the case. Accordingly, we seek an extension until July 10, 2009, to file our appeal of Magistrate Judge Francis's bail decision. The defendant, through his counsel, consents to our request for an extension, on the condition that an equivalent extension is granted for the defendant's response, and consents to the additional exclusion of time under the Speedy Trial Act required by the extension.



*Time enlarged to
July 24, 2009, noon,
and extended to that date,
6-1-09
[Signature]*

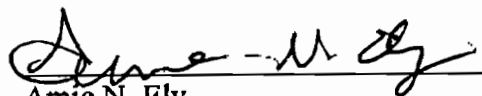
Hon. Alvin K. Hellerstein
May 29, 2009
Page 2 of 2

If this extension is granted, and the parties are permitted the same amount of time to respond and reply as Your Honor granted at our January 30, 2009, pretrial conference, the defendant's response will be due July 31, 2009, and the Government's reply will be due August 14, 2009. We request that Your Honor schedule a time for oral argument. If we are able to reach a disposition before that time, we will advise the Court.

Respectfully submitted,

LEV L. DASSIN
Acting United States Attorney
Southern District of New York

By:



Arnie N. Ely

Assistant United States Attorney

Tele.: (212) 637-2214

Fax: (212) 637-2390

SO ORDERED:



cc: Fiona Doherty, Esq., and Darrell Fields, Esq. (By Facsimile)